



COMMONWEALTH OF MASSACHUSETTS  
**Board of Registration  
of  
Hazardous Waste Site Cleanup Professionals**

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**PROFESSIONAL CONDUCT COMMITTEE**

Minutes of Meeting on January 18, 2017  
Approved on March 21, 2017

**Prepared by:** Beverly Coles-Roby

**Meeting Location:**

**New Bedford Whaling Museum  
18 Johnny Cake Hill  
New Bedford, MA 02740**

**List of Documents Used at the Meeting:**

1. Agenda
2. Draft Minutes of Meeting on November 16, 2016
3. Active Case List

**1. Call to Order:** Co-chairperson Kirk Franklin called the meeting to order at approximately 1:02 p.m. The Board members in attendance were Maria Pinaud, Robert Rein, Dr. John Guswa, David Austin, Dr. Gail Batchelder, James N. Smith, Kathleen Campbell, Debra Listernick, and Farooq Siddique. Staff members present were Beverly Coles-Roby and Lori Williamson. Wendy Rundle, Executive Director of the LSP Association ("LSPA"), Wes Stimpson of WES Associates, and Mike Toomey were also present.

**2. Previous Minutes:** The draft minutes of the meeting held on November 6, 2016, were approved as written. Debra Listernick and Farooq Siddique abstained from voting to approve the minutes.

**3. Old Business:**

**4. Status of Complaint Review Teams and Active Case Table**

At Mr. Franklin's request, the Complaint Review Teams ("CRT") reported on progress made since the November 16, 2016 meeting. Ms. Coles-Roby gave the reports on the status of each case as reflected in the Active Discipline Case List.

Ms. Coles-Roby reported on 05C-07 restating that the LSP's brief regarding the Board's Final Decision and the Prosecutor's Discipline Recommendations was filed on October 21,

2016. She added that the case would be discussed in Quasi-Judicial Session at the conclusion of today's Board meeting.

Ms. Coles-Roby also reported that on January 17, 2017, she filed a Post Hearing Brief with the Office of Alternative Dispute Resolution in 08C-03. The LSP's brief will be due in March 2017, which will be followed by filing a Reply Brief on behalf of the Board.

She stated that the status of 10C-01 remains unchanged as set out in the Active Discipline Case List, with a date for finalization set by the Massachusetts Superior Court of April 16, 2018.

Ms. Coles-Roby informed the committee that the CRT will present its report in 11C-04 during today's Quasi-Judicial Session.

In the matter of 12C-01, Ms. Coles-Roby reminded the committee that this is the same LSP as in 05C-07. She indicated that moving forward she would like to add a new member to the CRT. Since the case is in the beginning stages, now would be an opportune time to do so. Dr. Batchelder volunteered to sit on the CRT. Ms. Williamson distributed CDs that she prepared for the CRT.

The CRT in 16C-01 is reviewing documents forwarded by Ms. Williamson. Ms. Coles-Roby indicated that the CRT will hold a conference call on February 7, 2017.

Ms. Coles-Roby stated that a new complaint was received and docketed as 17C-01. Dr. Guswa asked whether Board staff had screened the complaint. Ms. Coles-Roby said that the complaint passed muster, and the Board has jurisdiction. She went on to explain that there were actually two separate complaints, filed by two different parties, against the same LSP, arising from the same set of operative facts, regarding the same site. For these reasons, one docket number was assigned to both complaints.

**5. New Business:**

No new business was discussed.

**6. Future Meetings: February 15, 2017—MassDEP NERO.**

**7. Adjournment:** The meeting was adjourned at approximately 1:11 p.m.